

PUBLIC MATTER

STATE BAR OF CALIFORNIA
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FILED

JUN 23 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 14-N-00234
)
JAMES HARVEY TIPLER,) NOTICE OF DISCIPLINARY CHARGES
No. 80748,)
)
A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. James Harvey Tipler ("respondent") was admitted to the practice of law in the State
4 of California on June 23, 1978, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-N-02868
8 Business and Professions Code, section 6103
9 [Failure to Obey a Court Order]

10 2. Respondent disobeyed or violated an order of the court requiring Respondent to do or
11 forbear an act connected with or in the course of Respondent's profession which Respondent
12 ought in good faith to do or forbear by failing to comply with the October 17, 2013 interim
13 suspension order by the Review Department of the State Bar Court in *In the Matter of James*
14 *Harvey Tipler*, case numbers 10-C-06808, 11-C-14962, 13-C-11542 by not filing a Rule 9.20
15 affidavit by January 5, 2014 in wilful violation of Business and Professions Code § 6103.
16 Attached as "Exhibit 1" is a true and correct copy of the October 17, 2013 interim suspension
17 order.

18 NOTICE - INACTIVE ENROLLMENT!

19 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
20 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
21 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
22 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
23 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
24 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
25 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
26 **RECOMMENDED BY THE COURT.**

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NOTICE - COST ASSESSMENT!

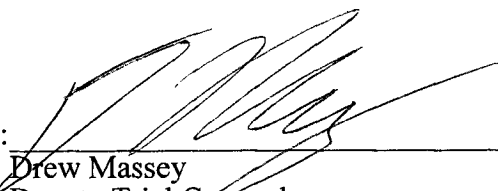
IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: June 20, 2014

By: _____


Drew Massey
Deputy Trial Counsel



FILED

OCT 17 2013 *JG*

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 10-C-06808, 11-C-14962,
)	13-C-11542 ¹
JAMES HARVEY TIPLER,)	
)	ORDER
A Member of the State Bar, No. 80748.)	

We have received evidence that respondent James Harvey Tipler has been convicted of the following:

1. Case number 10-C-06808: Florida Statutes section 895.03(3) (racketeering involving Fla. Stats. 812.014(1)(a) and (b) [theft] and 440.105(4)(a)(3) [failure to secure worker's compensation coverage], and 18 U.S.C. sections 1341 [mail fraud], 1343 [wire fraud], and 1546 [visa fraud]), a felony;
2. Case number 11-C-14962: Florida Statutes section 454.31 (unauthorized practice of law), a felony; and
3. Case number 13-C-11542: Florida Statutes sections 777.04(2), 777.04(4), 782.04(1), and 777.011 (solicitation to commit first degree premeditated murder), a felony.

We find that Tipler's felony conviction for solicitation to commit first degree premeditated murder is an offense involving moral turpitude.² It is ordered pursuant to Business and Professions Code section 6102 that he be suspended from the practice of law effective

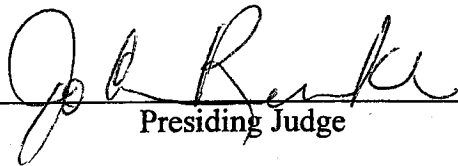
¹ These cases have not been consolidated.

² Although the State Bar asserts that all three of Tipler's offenses are felonies involving moral turpitude for purposes of California discipline, it offered insufficient authority and analysis for its assertions. We reserve the moral character classification of Florida Statutes sections 454.31 and 895.03(3).

November 25, 2013, pending final disposition of the proceedings in case number 13-C-11542.

(Cal. Rules of Court, rule 9.10(a).) It is further ordered that Tipler comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

We will take no further action at this time pending the submission of evidence that the convictions are final or Tipler waives finality pursuant to rule 5.344(B) of the Rules of Procedure of the State Bar.



Presiding Judge

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 14-N-00234

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

☐

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: **7196 9008 9111 1006 9439** at Los Angeles, addressed to: *(see below)*

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: _____ addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
JAMES TIPLER	P.O. BOX 10 MARY ESTHER, FLORIDA 32569	Electronic Address	James Tipler, DC #217386 Century Correctional Institution 400 Tedder Road Century, Florida 32535-3659

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

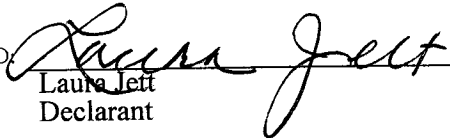
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: June 23, 2014

SIGNED:


Laura Jett
Declarant